

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RICKY UNDERHILL,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-02661-JPH-DML
)	
CHASSITY PLUMMER-LONG, et al.)	
)	
Defendants.)	

ORDER SCREENING COMPLAINT AND DIRECTING FURTHER PROCEEDINGS

Plaintiff Ricky Underhill, a former inmate at the Plainfield Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 alleging that his civil rights have been violated. Because the plaintiff is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(a) to screen his complaint before service on the defendants.

I. Screening Standard

Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint, or any portion of the complaint, if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Pro se complaints such as that filed by the plaintiff are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Cesal*, 851 F.3d at 720 (citing *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015)).

II. Discussion of Claims

The plaintiff's complaint names eleven defendants: (1) Stanley Knight, (2) Andrea Smith, (3) Jeremy Jones, (4) Charlene Burkett, (5) Chassity Plummer-Long, (6) Ann Gonzales, (7) Vickie Crawford, (8) Stacey Thomas, (9) Rita Burleson, (10) Sarah Scott, and (11) Tammy Negrowe. In his 31-page complaint, the plaintiff alleges in detail that he has received inadequate medical care for two conditions: (1) Gastroesophageal Reflux Disease ("GERD"); and (2) an ongoing rash and sexually transmitted disease ("STD"). The Court will not recite in detail the allegations of the plaintiff's complaint. His claims against the defendants are summarized as follows.

For his GERD, the plaintiff alleges that Ms. Burleson, Ms. Thomas, Ms. Plummer-Long, Ms. Smith, Ms. Gonzales, and Ms. Crawford were aware of his need for prescription medication to treat his symptoms but denied his health care request forms seeking prescription medication and refused to fill the prescription. He also alleges that Mr. Knight and Mr. Jones refused to allow him to file grievances about the persistence in a medical treatment known to be ineffective. He further alleges that he sought assistance from Ms. Burkett to investigate the actions of these individuals, and she failed to do so. He also alleges that on May 4, 2020, Ms. Negrowe observed him suffering from pain due to GERD but did not use sick-call procedures or otherwise help him.

For his ongoing rash and STD, the plaintiff alleges that Ms. Plummer-Long, Ms. Gonzales, Ms. Scott, and Ms. Crawford continued in a course of treatment known to be ineffective, causing the plaintiff to suffer physical pain and discomfort. The plaintiff sought treatment for a severe staph infection under his arm, and these individuals ignored his requests.

Based on the screening standard set forth above, the plaintiff's claims against the defendants **shall proceed** as claims that these defendants exhibited deliberate indifference to his serious medical needs in violation of the Eighth Amendment.

This summary of claims includes all of the viable claims identified by the Court. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have **through February 8, 2021**, in which to identify those claims.

III. Conclusion and Service of Process

The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. [1], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

Chassity Plummer-Long, Ann Gonzales, Vickie Crawford, Stacey Thomas, Rita Burleson, Sarah Scott, and Tammy Negrowe are identified as employees of Wexford of Indiana, LLC. A copy of this Order and the process documents shall also be served on Wexford electronically. Wexford is **ORDERED** to provide the full name and last known home address of any defendant who does not waive service if they have such information. This information may be provided to the Court informally or may be filed ex parte.

SO ORDERED.

Date: 1/15/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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Electronic Service to Wexford of Indiana, LLC

Electronic Service to IDOC Employees:

Stanley Knight – Plainfield Correctional Facility
Andrea Smith – Plainfield Correctional Facility
Jeremy Jones – Plainfield Correctional Facility
Charlene Burkett, Director of Indiana Ombudsman Bureau